

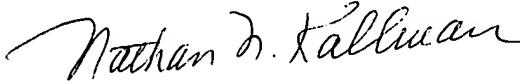
against the other". Also see 35 U.S.C. 121, 3<sup>rd</sup> sentence, and MPEP 806, paragraph 3. Restriction was required by the Office and opposed by Applicant. Applicant submits that the double patenting rejection should be nullified. In any event, a terminal disclaimer is being filed with this response to overcome the double patenting rejection. It should be noted that the present assignee of the rights to U.S. Patent 5,793,279 and to the present application is Western Digital Corporation (WDC) of Lake Forest, California. WDC purchased the rights and full ownership of the assets, including intellectual property rights, of Read-Rite Corporation, the original assignee, which went into bankruptcy under Chapter 7 in June, 2003.

The rejection of Claims 14-15 under 35 U.S.C. 112, first paragraph is not understood by Applicant. It is not clear that Claim 1 requires that FeCr, FeCrV and FeAl be identified as FCC crystals. These materials are BCC systems as shown in Table II and as noted by the Examiner. Clarification is requested.

Reconsideration of the rejection of Claims 7 and 10 as anticipated by Iwasaki et al. is respectfully requested. The patent is directed to an MR element with a spin valve structure which is formed with a stack of a ferromagnetic film, a nonmagnetic film, and another ferromagnetic film. The material of the ferromagnetic film contains at least one element from the group consisting of Co, Fe and Ni. A plane of each ferromagnetic film is oriented in a direction perpendicular to the film surface. The objective of Iwasaki et al. is to provide a spin valve structure with ferromagnetic layers having a stabilized antiparallel magnetization. The patent lists numerous elements and compounds from which selections are made to implement the claimed invention of the patent. In Example 28 cited by the Examiner, reference is made to the thickness of a Cu film, direction dependency of resistance change, and a CoFe film. Applicant is not claiming a specific thickness of Cu or the use of a CoFe film, but is claiming FCC system materials in Claim 7 and a group materials in Claim 10 to realize a matching or minimizing of electronegativity in an MR sensor. In the large number of materials listed in the patent, there is no showing of the use of the listed materials for affecting electronegativity and the thrust of the patent does not anticipate the invention disclosed by Applicant. The designation of any materials in the patent which may be construed to be similar as the materials set forth in the claims of the present application is purely incidental and does not address the same problem and results attained by Applicant. In the present application, specific materials are designated and claimed to achieve an electronegativity in order to maximize signal output and thermal stability of GMR and spin valve sensors. In view of the distinct differences, between the methods recited in Claims 7 and 10 and the description in the patent, these claims should be allowed.

Since the application appears to be in proper form and the claims now under consideration distinctly distinguish over the known prior art, an early allowance is respectfully requested.

Respectfully submitted,

A handwritten signature in cursive script, reading "Nathan N. Kallman". The signature is written in dark ink and is positioned below the typed name.

Nathan N. Kallman

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encls.

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